

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 5/3/2012

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Invoking letter of credit

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to invoke Superior Bank letter of credit No. SUPR2010-LC2022 for The Cottages at Indian Lake.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 5-26-12

RESOLUTION NO. 12-_____

WHEREAS, Superior Bank issued a certain letter of credit (No. SUPR2010-LC2022), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to Superior Bank Letter of Credit No. SUPR2010-LC2022, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 3rd day of May, 2012.

President of the City Council
of the City of Huntsville,
Alabama

APPROVED this the 3rd day of May, 2012.

Mayor of the City of
Huntsville, Alabama

**IRREVOCABLE STANDBY LETTER OF CREDIT NO. 932
AMENDMENT THREE**

SW
H

March 11, 2011

Beneficiary:

City of Huntsville
308 Fountain Circle SW
Huntsville, AL 35801

Account Party:

Grande Highlands Estate Lots, LLC
2865 Hampton Cove Way
Hampton Cove, AL 35763

Bank:

Superior Bank
3001 Mountain Cove Blvd
Owens Cross Road, AL 35763

RE: Article 5 Sidewalk, Letter of Credit for Grande Highlands Estates; A Resubdivision of Grande Highlands Third Addition and a Resubdivision of Part of tract A-13 and A-14 of Hampton Subdivision Page 3 of 5 as Recorded in Plat Book 29, Page 37, Huntsville, Alabama

Amount: \$10,000.00 (Ten Thousand and 00/100 U.S. Dollars)
Original Issue Date: May 15, 2008
Original Expiration Date: May 15, 2009

Subject Letter of Credit No. 932 is hereby amended as follows:

"Expiration Date has been extended through May 15, 2012."

All other terms and conditions remain the same.

Please attach this amendment to the original Letter of Credit.

Sincerely,

Terri Dillard

Terri Dillard
Authorized Signer

OK
CET
3/16/11

OK DB 3/14/11
OK DB 3/14/11

OK KCA
3/15/11

**IRREVOCABLE STANDBY LETTER OF CREDIT NO. 932
AMENDMENT TWO**

March 4, 2010

Beneficiary:

City of Huntsville
308 Fountain Circle SW
Huntsville, AL 35801

Account Party:

Grande Highlands Estate Lots, LLC
2865 Hampton Cove Way
Hampton Cove, AL 35763

Bank:

Superior Bank
3001 Mountain Cove Blvd
Owens Cross Road, AL 35763

RE: Article 5 Sidewalk, Letter of Credit for Grande Highlands Estates; A Resubdivision of Grande Highlands Third Addition and a Resubdivision of Part of tract A-13 and A-14 of Hampton Subdivision Page 3 of 5 as Recorded in Plat Book 29, Page 37, Huntsville, Alabama

Amount: \$10,000.00 (Ten Thousand and 00/100 U.S. Dollars)
Original Issue Date: May 15, 2008
Original Expiration Date: May 15, 2009

Subject Letter of Credit No. 932 is hereby amended as follows:

"Expiration Date has been extended through May 15, 2011."

All other terms and conditions remain the same.

Please attach this amendment to the original Letter of Credit.

Sincerely,

Terri Dillard

Terri Dillard
Authorized Signer

OK
CEA
3/15/10

3/9/10

MB 3/12/10

aa ket 3/12/10

**IRREVOCABLE STANDBY LETTER OF CREDIT NO. 932
AMENDMENT ONE**

March 17, 2009

Beneficiary:

City of Huntsville
308 Fountain Circle SW
Huntsville, AL 35801

Account Party:

Grande Highlands Estate Lots, LLC
2865 Hampton Cove Way
Hampton Cove, AL 35763

Bank:

Superior Bank
3001 Mountain Cove Blvd
Owens Cross Road, AL 35763

RE: Article 5 Sidewalk, Letter of Credit for Grande Highlands Estates; A Resubdivision of Grande Highlands Third Addition and a Resubdivision of Part of tract A-13 and A-14 of Hampton Subdivision Page 3 of 5 as Recorded in Plat Book 29, Page 37, Huntsville, Alabama

Amount: \$10,000.00 (Ten Thousand and 00/100 U.S. Dollars)
Original Issue Date: May 15, 2008
Original Expiration Date: May 15, 2009

Subject Letter of Credit No. 932 is hereby amended as follows:

"Expiration Date has been extended through May 15, 2010."

All other terms and conditions remain the same.

Please attach this amendment to the original Letter of Credit.

Sincerely,


Terri Dillard
Authorized Signer

OK
CEH
4/1/09

MPK 3/23/09
-IMTS 3/27/09
-KCA 3/31/09

IRREVOCABLE STANDBY LETTER OF CREDIT # 932

May 14, 2008

Beneficiary:

City of Huntsville
308 Fountain Circle SW
Huntsville, AL 35801

Account Party:

Grande Highlands Estate Lots, LLC
2865 Hampton Cove Way
Hampton Cove, AL 35763

Bank:

Superior Bank
3001 Mountain Cove Blvd
Owens Cross Road, AL 35763

RE: Article 5 Sidewalk, Letter of Credit for Grande Highlands Estates; A Resubdivision of Grande Highlands Third Addition and a Resubdivision of Part of tract A-13 and A-14 of Hampton Subdivision Page 3 of 5 as Recorded in Plat Book 29, Page 37, Huntsville, Alabama

Amount: \$10,000.00 (Ten Thousand and 00/100 U.S. Dollars)
Issue Date: May 15, 2008
Expiration Date: May 15, 2009

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective May 15, 2008, for a sum not to exceed the aggregate of \$10,000.00. Available by your one or more draft(s) drawn at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to Superior Bank at any Huntsville branch office.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

The original of this Letter of Credit must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

Sincerely,

Ferri Dillard

Ferri Dillard
Authorized Signer

OK MY 5/15/8

OK
CEB
5/22/08

OK MD 5/16/8

REGIONS

BANK

10451 NW 117th Avenue, 20th Floor, Miami, Florida 33178 USA
International Division - Letter Of Credit Department
Telephone No. 786 845 4400
S.W.IFT Address: UPNBU544MTA & Telex 6737871UPBMIA

*SW
24*

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT NO. 1066998

March 19, 2007

BENEFICIARY
CITY OF HUNTSVILLE
P.O. BOX 3082
HUNTSVILLE AL 35804

APPLICANT
GRANDE HIGHLANDS ESTATE LOTS, INC.
2865 HAMPTON COVEWAY
OWENS CROSS ROADS AL 35763

Gentlemen:

IRREVOCABLE STANDBY LETTER OF CREDIT NO. 1066998 AMENDMENT NO. 001

The above mentioned Letter of Credit is amended as follows:

- **New expiration date to be: May 23, 2008**

All other terms and conditions remain unchanged.

This amendment is an integral part of this Letter of Credit and must be attached hereto.

Regions Bank

ORIGINAL

*OK
3/22/07*

[Signature]
OK 1-17-3/22/07

[Signature]
AUTHORIZED SIGNATURE

REGIONS

BANK

International Division Standby Letters of Credit Department

9700 NW 112 Avenue Miami, Florida 33178 Phone # (786) 845-4300 Fax # (786) 845-4782

SWIFT: RJBNB034 MICR: 67378711 UPEMIA

IRREVOCABLE STANDBY LETTER OF CREDIT NO. L066998

BENEFICIARY
CITY OF HUNTSVILLE
P.O. Box 808
HUNTSVILLE, AL 35804

APPLICANT
GRANDE HIGHLANDS ESTATE LOTS, LLC
2865 HAMPTON COVE WAY
OWENS CROSS ROADS, AL 35763

SUBJECT: SIDEWALK Letter of Credit for Grande Highlands Estates, A Resubdivision of Grande Highlands Third Addition and a Resubdivision of Part of tract A-13 and A-14 of Hampton Subdivision Page 3 of 5 as Recorded in Plat Book 29 Page 37 Huntsville, AL

Issue Date: May 23, 2006

Expiration Date and Place: May 23, 2007 at Regions Bank Counters

Amount: USD \$12,650.00 (Twelve Thousand Six Hundred Fifty and 00/100 U.S. Dollars)

Gentlemen,

We hereby open our Irrevocable Standby Letter of Credit in your favor effective May 23, 2006 for a sum that will not exceed the aggregate of (USD \$12,650.00) available by you (one or more drafts) drawn at sight on us.

All draft(s) drawn under and in compliance with the terms of this Credit Letter to the expiration thereof will be duly honored by us if drawn and presented for payment to Regions Bank 216 West Side Square, Huntsville, Alabama.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

The original of this Letter of Credit and any amendments thereto must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of this Credit will be duly honored upon presentation and delivery of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to the Alabama Uniform Commercial Code, as the same may be amended to time and the International Standby Practices 1998 ICC Publication No. 590 (ISP98). In the event of any conflict between the Alabama Uniform Commercial Code and the International Standby Practices, the Alabama Uniform Commercial Code shall govern.

REGIONS BANK

MICHELE ESCANDON
VICE PRESIDENT

MEDARDO G. SUAREZ
ICC SPECIALIST


ORIGINAL

AUTHORIZED SIGNATURE



UNION PLANTERS BANK

International Division - Letter Of Credit Department
9700 N.W 112th Avenue, Miami, Florida 33178
Tel. 786-845-4400 Customer Service Department
Fax 786-845-4782 Issuance Department
Fax 786-845-4952 Negotiation and Payment Department
S.W.I.F.T. Address: UPNBUS44MIA - Telex 6737871 UPBMIA

Date: May 6, 2005

BENEFICIARY:
CITY OF HUNTSVILLE
308 FOUNTAIN CIRCLE
HUNTSVILLE, AL 35804

APPLICANT:
GRANDE HIGHLANDS ESTATE LOTS, LLC
2865 HAMPTON COVE WAY
OWENS CROSS ROADS, AL 35763

OUR IRREVOCABLE LETTER OF CREDIT NO.: L042870
AMENDMENT NO.: 002

Gentlemen,

The above mentioned Letter of Credit is hereby amended as follows:

- **The expiration date has been extended to May 20, 2006**
- **Applicant's address has been changed to read as stated above**

All other terms and conditions remain unchanged.

Please address all your correspondence to the following address: Union Planters Bank, 201 Williams Avenue, Huntsville, Alabama 35801, Attn. Tracy Whorton, Phone number 256-535-9472.

This amendment is an integral part of this Letter of Credit and must be attached hereto, and is subject to UCP (1993 Revision) ICC Publication 500.

Union Planters Bank,

ORIGINAL

AUTHORIZED SIGNATURE

OK
CEIT
Clerk - 7 years.
5/19/05

AUTHORIZED SIGNATURE

UNION PLANTERS BANK

International Operations—Letter of Credit Department, 9700 NW 112th Avenue, Miami, Florida 33178
Customer Service Telephone No. [786] 845-4400 – Issuance Dept. Fax No. [786] 845-4782
Negotiations/Payments Fax No. (786) 845-4952-SWIFT Address: UPNBUS44MIA-Telex 6737871-UPBMIA

Date: May 18th 2004

BENEFICIARY:
CITY OF HUNTSVILLE
CLERK-TREASURER OFFICE
P.O. BOX 308
HUNTSVILLE, AL 35804

APPLICANT:
GRANDE HIGHLAND ESTATES LOTS, LLC
(Formerly Sumter Estates Subdivision)
137 TESSIE DRIVE
OWENS CROSSROADS, AL 35763

RE: Subdivision Grande Highland Estates: A Resubdivision of Grande Highlands Third Addition and a Resubdivision of Part of tract A-13 and A-14 of Hampton Subdivision Page 3 of 5 as Recorded in Plat Book 29, Page 37, Huntsville, AL.

Irrevocable Standby Letter of Credit No. L042870
Expiration Date and Place: MAY 20, 2005 at Union Planters Bank Counters.
Amount: USD\$ 12,650.00 (Twelve Thousand six Hundred Fifty and 00/100 U.S. Dollars)

Gentlemen:

We hereby establish our Irrevocable Standby Letter of Credit in your favor for a sum not to exceed the aggregate of (USD\$12,650.00) available by your one or more draft(s) drawn at sight on Union Planters Bank, Huntsville, AL.

This Letter of Credit is issued in connection with final plat approval by the Planning Commission of the City of Huntsville, Alabama of the above referenced Subdivision in accordance with Article 5 of the Subdivision Regulations of the City of Huntsville, Alabama, ("Subdivision Regulations").

Each draft must bear the clause: "Drawn under Union Planters Bank, Miami, Florida, Letter of Credit No. L042870, dated May 18th 2004, " and be accompanied by a statement signed by a representative of the City of Huntsville that the draw is being made pursuant to Article 5 SIDEWALK of the Subdivision Regulations.

The original of this Letter of Credit and any amendments thereto, must be presented with any drawing.

Documents may be presented at our office located at Union Planters Bank, 312 Clinton Avenue, Huntsville, AL. However, documents will be negotiated and paid, if in order at our International Division Letter of Credit Department at 9700 NW 112th Avenue, Miami, Florida 33178, Phone (786) 845-4400.

We hereby engage with you that all drafts drawn under and in compliance with the terms of this credit will be duly honored by us as specified if presented on or before the expiry date.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to the Alabama Uniform Commercial Code, The Uniform Customs and Practice for Documentary Credits (1993 Revision) and International Chamber of Commerce Publication No. 500. In the event of any conflict between the Alabama Uniform Commercial Code and the Uniform Customs and Practice, the Alabama Uniform Commercial Code shall govern.

O.K. SCA skoloa
on Legal w/ Amend. No 1
KCA 6/17/04

O.K.
CE/K
CLERK-TREAS.
6/18/04


AUTHORIZED SIGNATURE

ORIGINAL


AUTHORIZED SIGNATURE



UNION PLANTERS BANK

The original of this Letter of Credit and any amendments thereto, must be presented with any drawing.

Documents may be presented at our office located at Union Planters Bank, 312 Clinton Avenue, Huntsville, Alabama, Attn. Gary Byrd or the Branch Manager.

We hereby engage with you that all drafts drawn under and in compliance with the terms of this credit will be duly honored by us as specified if presented on or before the expiry date.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to the Alabama Uniform Commercial Code, The Uniform Customs and Practice for Documentary Credits (1993 Revision) and International Chamber of Commerce Publication No. 500. In the event of any conflict between the Alabama Uniform Commercial Code and the Uniform Customs and Practice, the Alabama Uniform Commercial Code shall govern.

UNQUOTED

All other terms and conditions of the credit remain unchanged.

This is the operative instrument forming an integral part of the above-mentioned Letter of Credit and must be attached-thereto.

Kindly send us a written consent of your agreement/non agreement to the full content of this Amendment.

BY: _____
Complete beneficiary's name

Beneficiary's purportedly authorized signature and Date

Bank Authorized Signatures

D.K. SLW 6/17/04

on Sign
Kens 6/17/04

OK
CEA
Clerk-Treas
6/18/04

ORIGINAL



UNION PLANTERS BANK

International Operations-Letter of Credit Department
9700 N.W 112th Avenue, Miami, Florida 33178 U.S.A.
Customer Service Telephone No. [786] 8454400
Issuance Dept. Fax 786-845-4782- Negotiations/Payments Fax 786-845-4952
Swift Address: UPNBUS44MIA-Telex 6737871 UPBMIA

AMENDMENT No. 01
IRREVOCABLE LETTER OF CREDIT No. L042870
Date: 24 MAY 2004

Dear Sirs:

The above-referenced Letter of Credit is hereby amended as follows:

DELETE: THE FULL CONTENTS OF THE ORIGINAL LETTER OF CREDIT DATED MAY 18, 2004, AND REPLACE IT WITH THE FOLLOWING:

Beneficiary:
CITY OF HUNTSVILLE
308 FOUNTAIN CIRCLE
HUNTSVILLE, AL 35804

APPLICANT:
GRANDE HIGHLANDS ESTATE LOTS, LLC
137 TESSIE DRIVE
OWENS CROSSROADS, AL 35763

QUOTE:

RE: Sidewalk Letter of Credit for Grande Highlands Estates: A Resubdivision of Grande Highlands Third Addition and a Resubdivision of Part of tract A-13 and A-14 of Hampton Subdivision Page 3 of 5 as Recorded in Plat Book 29, Page 37, Huntsville, AL.

Irrevocable Standby Letter of Credit No. L042870
Expiration Date and Place: MAY 20, 2005 at Union Planters Bank Counters.
Amount: USD\$ 12,650.00 (Twelve Thousand six Hundred Fifty and 00/100 U.S. Dollars)

Gentlemen:

We hereby establish our Irrevocable Standby Letter of Credit in your favor for a sum not to exceed the aggregate of (USD\$12,650.00) available by your one or more draft(s) drawn at sight on Union Planters Bank, Huntsville, AL.

Each draft must bear the clause: "Drawn under Union Planters Bank, Miami, Florida, Letter of Credit No. L042870, dated May 24th 2004, " and be accompanied by a statement signed by a representative of the City of Huntsville that the draw is being made pursuant to Article 5 of the Subdivision Regulations of the City of Huntsville, Alabama.

D.K. SLW 6/7/04

ORIGINAL

*OK
C/L
Clerk - Treas.
6/18/04*